

VERMONT ENVIRONMENTAL BOARD  
10 V.S.A., Chapter 151

RE: S & A Development  
RD #1, Hillwinds  
Brattleboro, VT 05301  
and  
Walter Zaluzney  
RD #1  
Vernon, VT 05354

Findings of Fact and  
Conclusions of Law  
and Order  
Land Use Permit  
#2W0676-EB

This decision pertains to an appeal filed with the Environmental Board ("Board") on June 16, 1986, by the S & A Development Corporation from District #2 Environmental Commission's Findings of Fact, Conclusions of Law and Order and Land Use Permit #2W0676 dated June 3, 1986. This permit specifically authorizes the Permittees to construct a 24 unit, two-bedroom condominium project and associated utilities. The proposed project is located on Williams Street in Brattleboro, Vermont. The Appellant objects to the requirement of the airlock entrances at the principal entrance to the two-bedroom dwellings.

On June 17, 1986, the Board notified the parties of its intention to conduct the hearing in this matter by way of an administrative hearing officer pursuant to Board Rule 41 and 3 V.S.A. § 813. The hearing officer, Board Chairman Darby Bradley, conducted a prehearing conference in Brattleboro on June 30, 1986. The following parties participated in the prehearing conference or entered an appearance in writing:

Arthur Greenbaum, co-owner of S & A Development Corporation ("Appellant")  
Gordon Gebauer, Esq., for the Vermont Public Service Department ("Department") by letter dated June 26, 1986.

It appeared from the statements made by the Appellant at the prehearing conference that the essential facts in the case were not in dispute, and would be stipulated to by the parties without the necessity of convening a hearing. The hearing officer confirmed this with the Department following the prehearing conference, and the public hearing which had been scheduled for July 16, 1986, was therefore cancelled at the request of the parties. No other person or statutory party appeared or requested party status. A proposed decision was issued by the Chairman on July 22, 1986. No party having requested the opportunity to present oral argument to the full Board, the Board conducted a deliberative session on August 4. On that date the Board determined the record complete and adjourned the matter. The matter is now ready for decision.

8/10/86  
Sent on 8/22/86

I. Issues in the Appeal

The Appellant has objected to that portion of Condition #18 of Land Use Permit #2W0676 which requires that each building be constructed with a vestibule on the principal entrance. The Appellant argues that this condition would add \$800 to \$1500 in additional cost for each unit. In lieu of that condition, the Appellant has offered to install a metal storm door at each of the principal entrances. The Department had initially taken a position in favor of requiring the vestibules, which serve as an air-lock entry and conserve energy. However, under the circumstances of this case, the Department agreed that the storm doors would be adequate substitutes.

II. Findings of Fact

1. The Appellant plans to construct 24 two-bedroom condominium units and associated utilities on a nine-acre tract of land adjacent to Williams Street in Brattleboro. The land is owned by Walter Zaluzney, and is subject to a purchase and sale agreement with S & A Development Corporation, which will be building the units. Eight acres are involved in the project area.
2. The 24 units will include cape, saltbox and ranch architectural styles, including seven single units, seven duplexes, and one triplex. The units range from 1050 square feet in area (ranch style) to 1600 square feet (cape style). They will be priced below \$90,000. The Appellant anticipates that because of the project's location in an urban area, their moderate price range, relatively low square footage, and limited number of bedrooms, the units will be purchased as primary residences by people who are either retired, single, or young married couples owning their first home. The Appellant does not expect the units to be purchased by families having a large number of children, because of the limited bedroom space.
3. Each unit will have an attached garage with a garage door. An insulated door opens from the garage area into the kitchen (ranch and cape styles) or into the living room/dining room area (saltbox style). The primary traffic into and from the house **is expected** to be through the garage entrance as the residents move to and from their cars. Each unit will have a more formal front entrance for guests and other use. That entrance is designed with an insulated door.

4. The units have been designed according to FmHA energy efficiency criteria, with R-38 ratings in the roof or cap, R-19 ratings in the walls, and R-10 under the slab. Windows will have an R-value of at least 2. The

#18ard will revise Permit Condition

#2W0676-EB.

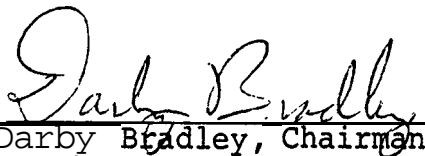
Based upon the foregoing findings of fact and conclusions of law, it is the conclusion of the Board that the project described in application #2W0676, if completed and maintained in accordance with the terms and conditions of that application, the exhibits presented to the Commission by the Applicants and the Conditions set forth in Land Use Permit #2W0676 as amended by Permit #2W0676-EB, will not cause or result in a detriment to the public health, safety or general welfare under the criterion set forth in 10 V.S.A. Section 6086 (a).

V. Order

Land Use Permit #2W0676-EB is hereby issued in accordance with the findings of fact and conclusions of law herein. Jurisdiction over this matter is returned to the District #2 Environmental Commission.

Dated at Montpelier, Vermont this 7th day of August,  
1986.

VERMONT ENVIRONMENTAL BOARD



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